

(Item D-25)

Court on its own motion vs. State of H.P and others

CWPIL No.110 of 2024

18.11.2025

Present: Court on its own motion.

Mr.Govind Korla, Additional Advocate General for respondents No.1 to 3.

Mr.Balram Sharma, Dy.SGI with Mr.Rajeev Sharma, Advocate for respondent No.4.

Sh.Ratan Kumar Sharma, Superintending Engineer, N.H. Shimla is also present in person.

In pursuance of last order, Sh.Ratan Kumar Sharma, Superintending Engineer has put in appearance. In the affidavit, apology has been tendered by giving the following reasons:-

“8. That the previous affidavit filed by the undersigned could not accurately reflect the real condition of the National Highways due to the misinterpretation of certain chronological facts of the order and confusion between the drainage and surface components of the National Highways. The deponent tenders an unconditional apology before this Hon'ble court for the said inadvertent error and respectfully submits that the same was neither intentional nor deliberate, but occurred due to misunderstanding of technical aspects.”

Perusal of the compliance affidavit would go on to show that now the plea taken is that the said officer had visited the National Highway to put in the sincere efforts to restore the rain disaster affected stretches, which were

under the Defect Liability Period (DLP) and notices have been issued to the Contractors for immediate repairs and the Contractors had now started maintaining the road through long stretch patches, by calling separate tenders. The photographs of the rectified stretches of National Highway-05 have also been appended. The stretch of NH-705 from Theog to Hatkoti is under progress and will be completed by March, 2026. The photographs of the rectified stretches are appended as Annexure R-2. It has also been mentioned that the estimate has been submitted to the Ministry of Road Transport and Highways (MoRTH).

A reference is made to the letters dated 20.09.2025, 28.10.2025 and 01.11.2025. It has been mentioned that the Department is making all possible efforts with the available staff and limited financial resources to restore the highways to serviceable condition.

We have also gone through the report dated 07.10.2025 submitted by the Secretary, DLSA along-with photographs, who had inspected the National Highway from Theog to Shimla in presence of various officials. The report is self speaking regarding the incorrect picture projected before this Court, which have led to the said officer being appointed as the Local Commissioner to give his independent report. It has been mentioned in the report that maximum portion of the road has numerous potholes, some

were filled with water while other had been temporarily covered with small raw stones and concrete. Only the road from Theog by-pass to Theog via by-pass road is in good condition and requires minor repairs. The said report thus vindicates *prima-facie* observations made on the earlier date.

Keeping in view that the Superintending Engineer had not depicted a correct picture before this Court, we deem it fit to impose token costs of Rs.10,000/- to be paid by him personally and to be deposited in '***the Chief Justice Disaster Relief Fund***' before the next date.

Union of India will also file necessary response by the next date.

We also appreciate the effort of the Secretary, DLSA and again request him to inspect the road in question and to give his report as to whether photographs attached now are showing the true picture and whether the repair work is being done in a proper manner.

To come up on 29th December, 2025.

(**G.S. Sandhawalia**)
Chief Justice

November 18, 2025
(naveen)

(**Jiya Lal Bhardwaj**)
Judge